

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

VISIBLE SMOKE TEST &

APPLICATION OF REPAIR COST WAIVER EXPENDITURE LIMIT TO SMOKE TEST FAILURES

Legend: Deleted text is indicated by ~~striketrough~~.
Added text is indicated by underlining.

- (1) Amend Section 3340.42 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3340.42. ~~Mandatory Emissions~~ Smog Check Inspection Standards and Test Procedures, and Emissions Standards.

Smog check stations and smog check technicians shall conduct tests and inspections in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in subsections ~~(a) and~~ (b) of Section 3340.17 of this article and the following:

~~(a) There shall be two test procedures as follows:~~

~~(1)~~ The loaded-mode test method shall be the primary test method used in the enhanced program areas of the state. The loaded-mode test method shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. The loaded-mode test equipment shall be Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau. The loaded-mode test procedures, including the preconditioning procedure, shall only be conducted according to the bureau-approved procedures specified in this section and include the following:

~~(A1)~~ Place the vehicle's driving wheels on a chassis dynamometer and properly restrain the vehicle prior to commencing the test.

~~(B) Exhaust emissions shall be tested and compared to the emission standards set forth in this section and as shown in Table I or Table II, as applicable.~~

~~(C2)~~ With the vehicle operating, sample the exhaust system in the following sequence:

~~1-(A)~~ Accelerate the vehicle to the cruise condition as specified by the test procedures.

~~2-(B)~~ Operate the vehicle long enough to stabilize emission levels.

~~3-(C)~~ Measure and record emissions (hydrocarbon, carbon monoxide, carbon dioxide, and

oxides of nitrogen).

(3) Exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE I or TABLE II, as applicable.

(4) All loaded mode testing shall be conducted in a manner that does not induce excess emissions to the test.

(2b) The two-speed idle mode test method shall be used in all program areas of the state, other than the enhanced program areas. The two-speed idle mode test method shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to inspection shall be ~~tested~~ measured and compared to the emission standards set forth in this section and as shown in TABLE III.

(3c) All tests shall be performed with the engine at its normal operating temperature.

~~(4) All loaded mode testing shall be conducted in a manner that does not induce excess emissions to the test.~~

(b d) There shall be a liquid fuel leak inspection as follows:

(1) As used in this section, "Liquid fuel leak" means any fuel emanating from a vehicle's fuel delivery, metering, or evaporation systems in liquid form that has created a visible drop or more of fuel on a component of a vehicle's fuel delivery, metering, or evaporation system or has created a fuel puddle on, around, or under a component of a vehicle's fuel delivery, metering, or evaporation system.

(2) With the engine running, the smog check technician shall visually inspect the following components of the vehicle, if they are exposed and visually accessible, for liquid fuel leaks:

(A) Gasoline fuel tanks.

(B) Gasoline fill pipes, associated hoses and fuel tank connections.

(C) Gas caps.

(D) External fuel pumps.

(E) Fuel delivery and return lines and hoses.

(F) Fuel filters.

(G) Carburetors.

(H) Fuel injectors.

(I) Fuel pressure regulators.

(J) Charcoal canisters.

(K) Fuel vapor hoses.

(L) Any valves connected to any other fuel evaporative component.

(3) If a smog check technician detects a liquid fuel leak, the technician shall enter "F" (Defective) in the "Fuel Evaporative Controls" category of the visual inspection when prompted by the emissions inspection system and the vehicle shall fail the inspection.

(4) Smog check technicians shall indicate on the vehicle inspection report the location of any liquid fuel leak.

(5) The liquid fuel leak inspection required by this section is a visual inspection only. Smog check technicians are not required to perform any disassembly of the vehicle to inspect for liquid fuel leaks. No special tools or equipment, other than a flashlight and mirror, are required and no raising, hoisting or lifting of the vehicle is required.

(6) Expenditures for repairs made at a licensed smog check station to correct liquid fuel leaks detected during a smog check inspection shall be credited toward the repair cost waiver expenditure specified in section 44017 of the Health and Safety Code, or applied to the repair assistance program co-payment specified in section 44062.1 of the Health and Safety Code and Section 3394.4 of this chapter.

(7) Nothing in this subsection shall prohibit a technician from refusing to inspect a vehicle or from aborting an inspection if a liquid fuel leak presents a safety hazard.

(8) This subsection shall not apply to vehicles fueled exclusively by compressed natural gas (CNG), liquid natural gas (LNG), or liquid petroleum gas (LPG).

(e) On and after January 1, 2008, pursuant to the provisions of section 44012.1 of the Health and Safety Code, all motor vehicles subject to the program shall undergo a visible smoke test during every smog check inspection to determine whether the vehicle emits any visible smoke from its tailpipe or crankcase. The conditions and procedures for performing the visible smoke test and recording the results shall be as follows:

(1) The test for visible tailpipe smoke shall be performed immediately following the tailpipe emissions phase of the smog check inspection, with the vehicle's engine running at

idle. The technician shall return the vehicle to idle, exit the vehicle, walk to the tailpipe area of the vehicle and remove the emission inspection system exhaust probe from the tailpipe. With an unobstructed view of the vehicle's tailpipe, the technician shall observe the tailpipe area for at least 10 seconds. If smoke is observed emanating from the vehicle's tailpipe, the vehicle fails the visible smoke test and the technician shall enter "F" (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(2) The test for visible smoke emanating from the crankcase shall be performed during the under hood portion of the visible fuel leak inspection specified in subsection (e). The crankcase and PCV systems shall not be disconnected during the visible smoke test portion of the visible fuel leak inspection. With the vehicle's engine running at idle, the technician shall observe the crankcase and PCV systems for at least 10 seconds. If smoke is observed emanating from the vehicle's crankcase or PCV systems, the vehicle fails the visible smoke test and the technician shall enter "F" (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(3) If no smoke is observed emanating from the vehicle's tailpipe, and if no smoke is observed emanating from the vehicle's crankcase or PCV systems, the vehicle passes the visible smoke test. The technician shall enter "P" (Pass) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system. This entry shall be superseded by an entry for any other failure that would normally be recorded in the "Other Emission Related Controls" category of the visual inspection.

(4) Smoke that is observed emanating from any area of a vehicle other than the vehicle's tailpipe, or crankcase or PCV systems, regardless of the cause, shall not constitute a failure of the visible smoke test.

(5) If the vehicle fails the visible smoke test pursuant to paragraphs (1) and/or (2), in addition to entering the failure into the emission inspection system, the technician shall do all of the following:

(A) Document the failure by writing or stamping on the VIR in the "Other Emission Related Components" section, "Failed for visible smoke," or "Failed visible smoke test."

(B) Document the failure and the operating conditions under which the failure occurred on the invoice that is given to the customer pursuant to section 9884.8 of the Business and

Professions Code and Section 3356 of this chapter.

(C) Provide to the customer the bureau's *Visible Smoke Test Failure Consumer Information Sheet*, form SMOKE INFO (01/07), which is hereby incorporated by reference, with the applicable items completed on the checklist. The bureau will furnish stations with a supply of information sheets.

(6) For the purposes of this subsection, unless the context otherwise requires:

(A) "Tailpipe" means anywhere the vehicle's exhaust is designed to exit the vehicle under normal conditions. There may be more than one location.

(B) "Unobstructed view" means that there is nothing in the shop environment, such as equipment, tools, tool cabinets, tool boxes, furniture, supplies, or the like, which prevents the technician from observing the exhaust emanating from the vehicle's tailpipe.

~~(e) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:~~

~~(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in TABLES I, II or III.~~

~~(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, 44017 and 44081 of the Health and Safety Code.~~

~~(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle as indicated in TABLES I, II, or III. However, the provisions described in section 44017 of the Health and Safety Code may apply.~~

~~(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.~~

~~(5) The gross polluter emission standards in TABLE III shall be used to determine if a vehicle shall be designated as a gross polluter.~~

~~(d)~~(1) In the enhanced program areas, heavy-duty vehicles shall be tested using the loaded-mode testing method as provided in subsection (a)(4), unless:

(A) The vehicle has a drive axle weight that exceeds 5,000 pounds when the vehicle is unloaded, or

(B) The vehicle is classified by the Department of Motor Vehicles as a motorhome, or

(C) The vehicle has a body and/or chassis configuration or modification made for business purposes that renders the vehicle incompatible with loaded-mode testing, or

(D) The emission inspection system prompts the technician to perform the two-speed idle test.

(2) For the purposes of this subsection, the term "unloaded" shall mean that the vehicle is not currently transporting loads for delivery or is not carrying items of a temporary nature, but excludes items that have been welded, bolted or otherwise permanently affixed to the vehicle, and tools, supplies, parts, hardware, equipment or devices of a similar nature that are routinely carried in or on the vehicle in the performance of the work for which the vehicle is primarily used.

(3) For the purposes of this subsection, modifications that render a vehicle incompatible with loaded-mode testing shall not include any tire, wheel, body or chassis modifications made for other than business purposes.

(4) If it is determined that a heavy-duty vehicle cannot be subjected to a loaded-mode test for any of the reasons set forth in subparagraphs (A) through (D) of paragraph (1) of this subsection, the technician shall perform a two-speed idle test. The technician shall also note on the final invoice the justification for the performance of a two-speed idle test.

(g) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in TABLES I, II or III.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, 44017 and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for

the vehicle as indicated in TABLES I, II, or III. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

NOTE: Authority cited: Sections 44002, 44003, 44012, 44012.1, 44013 and 44036, Health and Safety Code; and Section 9882 of the Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44011, 44011.3, 44012, 44012.1, 44013, 44014.5, 44015, 44017, 44032, 44036, 44062.1 and 44081, Health and Safety Code; and Sections 9884.8 and 9884.9 of the Business and Professions Code.

- (2) Add Section 3340.43 to Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3340.43. Smoke Test Failure; Repair Cost Limit.

Pursuant to subdivision (e) of section 44017 of the Health and Safety Code, the owner of a motor vehicle that has failed the visible smoke test required by subsection (f) of Section 3340.42 and section 44012.1 of the Health and Safety Code, shall only be eligible for the repair cost waiver specified in subdivision (a) of section 44017 if all of the following conditions are met:

(a) The motor vehicle owner has a household income greater than the limit specified in paragraph (2) of subsection (a) of Section 3394.4, but less than or equal to two hundred fifty percent (250%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services.

(b) The motor vehicle owner's household income has been verified in accordance with paragraph (2) of subsection (b) of Section 3394.6.

(c) The motor vehicle owner is not receiving any form of public assistance from any agency.

(d) The motor vehicle's required emissions control equipment is not missing and has not been rendered partially inoperative or inoperative as a result of tampering.

Note: Authority cited: Sections 44002 and 44017, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44017 and 44062.1, Health and Safety Code.